

FRIDAY, January 26, 1877.

The Senate met pursuant to adjournment.

The President *pro tem.* in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Barnes, Brantley, Cottrell, Hendry, Hill, Howell, Johnson, Long, Lykes, McCaskill, McGuire, McKinnon, McMeekin, Meacham, Orman, Osgood, Patterson, Richard and Weeks—20.

A quorum present.

Prayer by the Chaplain.

Mr. Lykes moved that the reading of the journal be dispensed with;

Which was agreed to.

A message was received from the Governor at the hands of his private Secretary.

Mr. Howell asked to be excused from further attendance on the Senate until Tuesday morning;

Which was agreed to.

Mr. Durkee asked to be excused until Monday morning;

Which was agreed to.

On the approval of the journal as corrected, the yeas and nays were called for, and were:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, Johnson, Long, McCaskill, McGuire, McKinnon, McMeekin, Orman, Patterson, Richard, Walker and Weeks—15.

Nays—Messrs. Meacham, Osgood, Wallace and Walls—4.

So the journal, as corrected, was approved.

Mr. Meacham moved that the whole of the minority report on Privileges and Elections be spread upon the journal;

Which was not agreed to.

Mr. Hendry asked a suspension of the rule, that he might introduce a resolution;

Which was agreed to.

Mr. Hendry introduced the following preamble and resolution:

WHEREAS, Much unnecessary confusion frequently exists in this body by two or more motions being made at the same time, giving both the Secretary and President much trouble, and the continued necessity of correcting the Senate Journals; therefore, be it

Resolved, That the President, under authority vested in him under Rule 13, be required to have hereafter every motion and other matter necessary to be written reduced to writing;

Which was read and adopted.

Under a suspension of the rule, Mr. Walker introduced Senate bill No. 27:

To be entitled an act granting certain rights to the Gainesville, Ocala and Charlotte Harbor Railroad;

Which was read, and referred to the Committee on Telegraphs and Railroads.

Under a suspension of the rule, Mr. Brantley introduced Senate bill No. 28:

To be entitled an act making appropriation for the payment of salary and mileage of Alonzo Ferguson, late Senator First District;

Which was read, and referred to the Committee on Appropriations.

The Joint Resolution inviting Immigration into the State of Florida,

Was read, and upon its adoption the yeas and nays were as follows:

Yeas—Messrs. Barnes, Brantley, Cottrell, Hendry, Hill, Johnson, Long, Lykes, McCaskill, McGuire, McKinnon, McMeekin, Meacham, Osgood, Patterson, Richard, Walker, Wallace and Weeks—19.

Nays—None.

So the resolution was adopted.

Ordered the same to be certified to the Assembly.

The Committee on Corporations made the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., January 25, 1877.

To the Hon. President *pro tem.* of the Senate:

SIR—Your Committee on Corporations, to whom was referred Senate bill No. 12:

To be entitled an act to incorporate the James Island and Eufaula Canal Company, having had the same under consideration, beg leave to report that as there is a general incorporation act making ample provisions for incorporating such companies, and as it was apparently the object of that act to relieve the Legislature of special incorporating bills, therefore we recommend that said bill do not pass.

F. M. McMEEKIN, Chairman.

Which was read, and the accompanying bill placed among the orders of the day.

The Committee on Judiciary, made the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., January 25, 1877. }

HON. NOBLE A. HULL,

*President of the Senate:*

SIR—Your Committee on Judiciary, to whom was referred a bill to be entitled an act to amend an act entitled an act for the discharge of certain Criminals who are insolvent, have considered the same, and directed me to report the same back to the Senate, and recommend its passage.

J. L. F. COTTRELL, Chairman.

Which was read, and the accompanying bill placed among the orders of the day.

The Committee on Judiciary made the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., January 25, 1877. }

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on the Judiciary, to whom was referred a bill entitled an act to keep in good repair the Public Roads and Highways, have examined and considered the same, and have instructed me to report to the Senate that in their opinion the changes proposed to be made therein are not desirable, and to recommend that the Senate postpone the same indefinitely. The bill is hereby reported back to the Senate.

J. L. F. COTTRELL, Ch'n.

Which was read, and the accompanying bill placed among the orders of the day.

The Committee on Finance and Taxation made the following report:

SENATE CHAMBER,  
TALLAHASSEE, January 25, 1877. }

*To the President pro tem. of the Senate:*

Your Committee on Finance and Taxation, having considered Senate bill No. 25, to be entitled an act requiring Timber and Lumber Inspectors to give bond; and Senate bill No. 21, to be entitled an act to amend Section 13 of an act entitled an act for Assessment and Collection of Revenue, approved 17th day of February, A. D. 1874, recommend that the same do pass.

Very respectfully,

A. L. McCASKILL, Ch'n.  
JOSEPH H. DURKEE,  
JOHN W. HOWELL,  
F. A. HENDRY.

Which was read, and the accompanying bill placed among the orders of the day.

The Committee on Judiciary made the following report:

SENATE CHAMBER,  
TALLAHASSEE, January 25, 1877. }

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on the Judiciary, to whom was referred the communication from the Honorable the Chief Justice and Associate Justices of the Supreme Court, have had the same under consideration, and after due consideration and examination of the Constitution, have directed me to report to the Senate the resolution herewith reported, and ask the adoption of the same. The Article of the Constitution referred to in the memorial is correctly stated, and your committee, but for the embarrassed financial condition of the treasury, would have recommended an appropriation of two thousand instead of five hundred dollars.

J. L. F. COTTRELL, Ch'n.

Which was read, and the bill placed among the orders of the day.

The Committee on Finance and Taxation made the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., January 25, 1877. }

*To the President pro tem. of the Senate:*

SIR: Your Committee on Finance and Taxation having considered Senate Bill No. 16: To be entitled an act to allow merchants and dealers to sell Salts, Saltpetre and Sulphur without being subject to additional tax, and, Senate Bill No. 26, a bill entitled an act permitting merchants to sell Ale, Beer and Cider without special license; also, Assembly Bill No. 18, a bill to be entitled an act to allow merchants and dealers to sell Patent Medicines without being subject to additional tax, recommend that the same do not pass.

Very respectfully,

A. L. McCASKILL,

*Chairman Committee on Finance and Taxation.*

Which was read, and the bills placed among the orders of the day.

The Committee on Finance and Taxation made the following report:

SENATE CHAMBER,  
TALLAHASSEE, FLA., January 25, 1877. }

HON. NOBLE A. HULL,

*President of the Senate:*

SIR: Your Committee on Finance and Taxation, to whom was referred Senate bill No. 10, to be entitled an act to amend an act entitled an act for the Assessment and Collection of Revenue, have had the same under careful consideration, and beg leave to make the following report:

Your committee are fully of the opinion that while this increase of license tax will not prohibit the entire sale and use of liquors, that it will to a very great extent lessen the existing evil. In incorporated towns and cities, where there are organizations of police and other restraints, the selling of ardent spirits may be tolerated, but in sparsely settled regions, both on the frontier of our organized counties and the Indian borders, where no immediate or ready redress for the impositions, insults and terror of a drunken and lawless mob exists, your committee are fully of the opinion that the passage of this bill will prove a great blessing. When we take into consideration the large number of cases of assault and battery, manslaughter and murder which have been committed within the borders of our State, the fearful cost of the same to the State, and trace out the cause, and find that in most cases these crimes have been committed by persons under the dire influence of intoxicating liquors, we feel that it is the imperative duty of the Legislature to adopt some means by which the country may be relieved of these calamities. We, therefore, respectfully recommend its passage, with the following amendment: Strike out paragraph twelve.

Very respectfully submitted,

F. A. HENDRY, Chairman.  
J. W. HOWELL,  
WHITFIELD WALKER.

Which was read, and the bill placed among the orders of the day.

Senate bill No. 12: .

To be entitled an act to incorporate the James Island and Eufaula Canal Company,

Was, on motion of Mr. McCaskill, indefinitely postponed.

Senate bill No. 23:

To be entitled an act to amend an act entitled an act for the discharge of criminals who are insolvent,

Was ordered to be engrossed for a third reading.

Senate Bill No. 10:

To be entitled an act to amend an act for the assessment and collection of Revenue.

Mr. Orman moved its indefinite postponement.

A message was received from the Assembly, and the accompanying bill placed among the orders of the day.

Mr. Barnes asked leave of absence until Tuesday morning; Which was agreed to.

Upon the indefinite postponement of the bill, the yeas and nays were called for.

The vote was:

Yeas—Messrs. Brantley, Cottrell, Hill, Lykes, McCaskill, McGuire, McKinnon, Orman, Patterson and Richard—10.

Nays—Messrs. Hendry, Long, McMeekin, Meacham, Osgood, Walker, Wallace, Walls and Weeks—9.

So the bill was indefinitely postponed.

Mr. Lykes moved a reconsideration;

Which was agreed to.

Mr. Lykes then moved to lay the motion on the table;

Upon which the yeas and nays were called for.

The vote was:

Yeas—Messrs. Brantley, Cottrell, Hill, Johnson, Lykes, McCaskill, McGuire, McKinnon, Orman, Patterson and Richard—11.

Nays—Messrs. Hendry, Long, McMeekin, Meacham, Osgood, Walker, Wallace, Walls and Weeks—9.

So the motion to lay on the table was agreed to.

Senate bill No. 17, in regard to Public Roads,

Was read.

Mr. McCaskill moved that further consideration be postponed until Monday;

Which was agreed to.

Assembly bill No. 18:

To be entitled an act to allow merchants and dealers to sell Patent Medicines without being subject to additional tax,

Was read.

Mr. McCaskill moved its indefinite postponement;

Which was agreed to.

Senate bill No. 26:

To be entitled an act permitting merchants to sell Ale, Beer and Cider without a special license,

Was read.

Mr. McCaskill moved its indefinite postponement;

Which was agreed to.

Senate bill No. 16:

To be entitled an act to allow merchants and dealers to sell Salts, Saltpetre and Sulphur without being subject to an additional tax,

Was read, and upon motion of Mr. McCaskill, indefinitely postponed.

Senate Bill No. 21:

To be entitled an act to amend section 13 of an act entitled an act for the assessment and collection of Revenue, approved February 17, 1874.

Mr. McKinnon moved the rule be suspended, and the bill read the third time, and put upon its passage;

Which was agreed to.

Upon the question, Shall the bill pass?

The vote was:

Yeas—Messrs. Brantley, Cottrell, Hill, Johnson, Long, McCaskill, McGuire, McKinnon, McMeekin, Meacham, Orman, Patterson, Richard, Walker and Weeks—15.

Nays—Mr. Walls—1

So the bill passed, title as stated.

Mr. McCaskill moved that the Senate adjourn;

Which was agreed to, and the Senate adjourned.

#### FOUR O'CLOCK, P. M.

The Senate resumed its session.

Mr. President in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Cottrell, Hendry, Hill, Johnson, Long, McCaskill, McGuire, McKinnon, McMeekin, Orman, Osgood, Patterson, Richard, Walker, Wallace, Walls and Weeks—17.

A quorum present.

Senate bill No. 25:

To be entitled an act requiring Timber and Lumber Inspectors to give Bonds,

Was read the second time, and ordered to be engrossed.

The Judiciary Committee offered the following Joint Resolution:

*Resolved*, That the Committee on Appropriations are instructed to include in the appropriation bill the sum of five hundred dollars, to be expended by the Justices of the Supreme Court in the purchase of books for the Supreme Court library;

Which was read, and on motion adopted.

The resolution offered by Mr. Walls on the 22d inst:

That the Committee on Education be authorized, for the best interest of all classes of society, to investigate the manner in which the appropriations have been made by the General Government, and for what purpose; and they are further authorized to send for persons and papers, and report by bill or resolution as early as possible,

Having been made the special order for to-day for 4 o'clock, was read, and on motion of Mr. Walls adopted.

The report of the Joint Committee on Appropriations on Senate bill No. 2:

To be entitled an act making appropriations to supply deficiencies in the appropriations for the year 1875, and for defraying the expenses of State Government for the year 1876,

Was taken up and read, and, on motion of Mr. Orman, postponed until Monday next.

The following message was received from the Assembly:

ASSEMBLY HALL,  
TALLAHASSEE, FLA., January 26, 1877.

HON. NOBLE A. HULL,

*President of the Senate:*

SIR—I am directed by the Assembly to inform the Senate that the Assembly has passed Assembly bill No. 27:

To be entitled an act relating to Official and Legal Advertising.

Also Assembly bill No. 51:

To be entitled an act to amend an act regulating the practice in Writs of Prohibition,

And respectfully request the concurrence of the Senate therein.

Very respectfully,

WM. FOSYTH BYNUM,  
*Chief Clerk of the Assembly.*

Which was read, and the accompanying bills placed among the orders of the day.

The following communication from the Comptroller of Public Accounts was read, and ordered to be spread upon the journal:

COMPTROLLER'S OFFICE, January 26, 1877.

*Hon. President of the Senate:*

SIR: I have the honor to acknowledge the communication from the Secretary of the Senate, of the 11th inst., (which came to hand on the 24th,) requesting the Comptroller "to furnish the Senate with a statement showing the defaulting Collectors of Revenue, the amounts in default, and the amount of poll tax collected for the years 1870, 1871, 1872, 1873, 1874 and 1875."

The information, so far as this office can supply it, will be furnished as soon as possible.

In some instances the accounts of the Tax Collectors for the years mentioned are in suit, and, in others, Collectors are in correspondence with this office as to a settlement of their

accounts. Those in suit are accompanied by offsets and other pleas as evidence that they are not accounts in default. It was thought that the resolution of the Senate could be answered more intelligibly after the period for which the present collection of taxes is extended, the 1st of March, 1877, as the balances due by former Tax Collectors are carried forward and debited to their successors, and the Collectors for 1876 *may* make payments of arrears for previous years.

Without regard to this an effort will be made at once to comply with the resolution.

The information as to poll-taxes will also be furnished as far as possible; but it cannot easily be furnished from the data in the Comptroller's office,

Respectfully,

C. DREW, Comptroller.

Mr. Walls offered the following resolution, proposing amendments to the Constitution of the State of Florida:

#### PROPOSED AMENDMENTS TO THE CONSTITUTION.

##### ARTICLE I.

There shall be elected at the next general election after the ratification of this article, and every four years thereafter, a Secretary of State, Attorney-General, Treasurer, Comptroller, Adjutant-General, Superintendent of Public Instruction, and a Commissioner of Lands and Immigration, who shall hold their office the same time as the Governor, or until their successors are qualified.

SECTION 2. There shall be elected at the general election in eighteen hundred and eighty, and every two years thereafter, in each county, a Sheriff, a Clerk of the Circuit Court, an Assessor of Taxes, a Collector of Revenue, a County Treasurer, a County Surveyor, a Superintendent of Schools, and five County Commissioners, and in each Judicial Circuit a State Attorney, each of whom shall hold his office two years from the first Monday in January next succeeding his election. The Clerk of the Circuit Court shall also be Clerk of the Board of County Commissioners, Register and Recorder. The duties of said officer shall be prescribed and regulated by law.

Sections seventeen and nineteen of Article V., and Section nineteen of Article VI. of the Constitution, are hereby abrogated.

##### ARTICLE II.

The State shall be divided by the Legislature into not less than seven Judicial Circuits, which shall be composed of con-

tiguous territory, be bounded by county lines, and containing a population as nearly equal as may be practicable. In each Judicial Circuit one Judge shall be appointed by the Governor, and confirmed by the Senate, who shall constitute said Court, and whose term of office shall be eight years. Every Circuit Judge shall, at the time of his appointment, be a resident of the Circuit for which he shall be appointed, and shall reside therein during his continuance in office.

Section six of Article VI, and Section three of Article XVI, are hereby abrogated.

##### ARTICLE III.

The sessions of the Legislature shall be annual, and the Legislature shall meet on the first Tuesday in February in each and every year, commencing in eighteen hundred and eighty. The Governor may, in the interim, convene the same in extra session by his proclamation. Regular sessions of the Legislature shall not extend beyond thirty days, and the pay of members shall not exceed six dollars per day, and ten cents per mile for distance actually travelled in going to and returning from the Legislature.

Sections two and twenty-five of Article IV of the Constitution are hereby abrogated.

Which was read, and ordered to be spread on the Journal.

On motion, the Senate adjourned.

##### REMOVALS.

J. H. Sappington, from office of Clerk, Taylor county.  
J. H. Sutton, from office of Collector, Taylor county.  
J. H. Wentworth, from office County Judge, Taylor county.  
Benjamin E. Tucker, from office of Clerk, Bradford county.  
Royal Putnam, from office of Assessor, Escambia county.  
George E. Wentworth, from office of Collector, Escambia county.

##### CONFIRMATIONS.

Robert Henderson, to be County Judge, Taylor county.  
John M. Faulkner, to be Clerk Circuit Court, Taylor county.  
John F. McLeod, to be Sheriff, Taylor county.  
S. M. Peacock, to be Assessor, Taylor county.  
Dougal Calhoun, to be Collector, Taylor county.  
John R. Session, to be Sheriff, Suwannee county.  
Henry F. York, to be Clerk, Bradford county.  
John L. Wynn, to be Assessor, Bradford county.  
W. H. Hutchinson, to be Sheriff, Escambia county.  
F. E. Richardson, to be Assessor, Escambia county.  
S. Z. Gonzalez, to be Collector, Escambia county.  
R. F. Rodgers, to be Assessor, Suwannee county.  
R. F. Allison, to be Collector, Suwannee county.